



## NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E  
Washington, DC, 20005

In the Matter of the  
Application of the  
  
INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, AIRLINE  
DIVISION

alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended

involving employees of  
  
UNITED AIRLINES, INC.

52 NMB No. 27

CASE NO. R-7652  
(NMB File No. CR-7255)

FINDINGS UPON INVESTIGATION -  
DISMISSAL

March 4, 2025

### FINDINGS UPON INVESTIGATION

This determination addresses the application of the International Brotherhood of Teamsters, Airline Division (IBT or Organization) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. §152, Ninth (Section 2, Ninth),<sup>1</sup> among “Assistant Manager-Aircraft Inspection, Outside Vendor”<sup>2</sup> (A/C Inspectors) at United Airlines, Inc. (Carrier or United). The IBT is the certified representative of the Mechanics and Related Employees craft or class at United. *See United Air Lines*, 40 NMB 253 (2013) (NMB Case No. R-7363).

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<sup>1</sup> 45 U.S.C. § 151, *et seq.*

<sup>2</sup> In Participant submissions, this position is also referred to as “Quality Control Representative” or “QC Vendor Rep.”

The IBT asserts that the A/C Inspectors belong in the Mechanics and Related Employees craft or class and are already covered by the certification issued to it in R-7363.

For the reasons set forth below, the National Mediation Board (NMB or Board) finds that the A/C Inspectors are already covered under the IBT's certification. Therefore, the Board dismisses the application.

### PROCEDURAL BACKGROUND

On September 6, 2024, the IBT filed an application alleging a representation dispute involving A/C Inspectors at United. The IBT requested that the Board accrete the employees to the Mechanics and Related Employees craft or class and supported its request with authorization cards. The application was given NMB File No. CR-7255 and assigned to Josie G.M. Bautista on September 9, 2024. The matter was reassigned to Eileen M. Hennessey on November 9, 2024.

On October 7, 2024, the Carrier filed the List of Potential Eligible Voters (List) containing the names of 89 A/C Inspectors. On November 4, 2024, United filed its initial position statement, opposing the accretion of the A/C Inspectors to the Mechanics and Related Employees craft or class.

On November 18, 2024, the IBT requested an extension of time to file a response to the Carrier's position statement. The extension was granted and on December 4, 2024, the IBT filed its response. The Carrier supplemented its position statement on January 23, 2025. The IBT filed its response on February 4, 2025.

### ISSUE

Are United's A/C Inspectors part of the Mechanics and Related Employees craft or class?

## CONTENTIONS

### United

United contends that A/C Inspectors are management officials excluded from the RLA's coverage. Moreover, the Carrier argues that A/C Inspectors do not share a work-related community of interest with the rest of the Mechanics and Related Employees craft or class. Therefore, the Carrier contends that the IBT's accretion application should be dismissed. In support of its contention, United submitted sworn statements from Jim Brady, Managing Director and Chief Inspector over Quality Control at United; a position description for the A/C Inspector position; and excerpts from the "QSV Quality Control Standard Operating Procedures."

### IBT

The IBT states that the A/C Inspectors are part of the Mechanics and Related Employees craft or class. The IBT contends that A/C Inspectors share a work-related community of interest with the Inspector classification that is already covered by its Mechanics and Related Employees certification issued in R-7363. The IBT states that while A/C Inspectors provide oversight of work performed by outside vendor inspectors they do not act as supervisors of outside vendor inspectors. In support of its contentions, the IBT provided sworn declarations of an A/C Inspector; the A/C Inspector position description; and portions of the Collective Bargaining Agreement (CBA) between United and IBT covering the Technicians and Related Employees, including Inspectors.

## FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

### I.

United is a common carrier as defined in 45 U.S.C. § 181.

II.

IBT is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

V.

45 U.S.C. § 151, Fifth, defines employee as “[E]very person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official . . . .”

STATEMENT OF FACTS

On May 15, 2013, following the merger between United and Continental Airlines, the NMB determined that the carriers were operating as a single carrier for the Mechanics and Related Employees craft or class. *United Air Lines/Continental Airlines*, 40 NMB 205 (2013). At the time of that determination, IBT was the certified representative of the Mechanics and Related Employees crafts or classes at pre-merger United (R-7141), Continental (R-6513), and Continental Micronesia (R-5083). On August 6, 2013 the Board certified the IBT as the representative of the combined carriers’ (post-merger United’s) Mechanics and Related Employees craft or class in NMB Case No. R-7363. *See United Air Lines*, 40 NMB 253 (2013).

The CBA between United and the IBT lists Inspector as one of the classifications included within the scope of the Technician (Mechanic) craft

covered by its certification, and describes the Inspector responsibilities as follows:

Inspector – An employee whose primary job includes the overall inspection of Company aircraft and/or components (including power plant) in connection with repairs and/or overhaul at Points on the Company system. Inspectors must hold valid licenses and Company RII [Federal Aviation Administration Required Inspection Items] authority to fulfill their duties. Inspectors do not lead or direct the work force. The method of selecting Inspectors is described in Article 5, Filling of Vacancies.

CBA, Article 3 D 1 d.

United's A/C Inspectors supervise maintenance work performed by the Carrier's outside vendors. According to the position description provided by the Carrier, the primary responsibilities of the A/C Inspector include the following: providing work direction to aircraft inspectors; ensuring that quality control procedures and inspections are carried out in accordance with Federal Aviation Regulations (FARs) and United Airlines Continuous Airworthiness Maintenance Program (CAMP); and conducting Supplier Base General Maintenance Manual training to suppliers. The position description also states that A/C Inspectors are "supervisory member[s] of [United's] Inspection Unit in compliance with 14 C.F.R. §121.371b and as such ha[ve] inspection decision authority and responsibility." Additionally, A/C Inspectors may support "other Air Operators in the performance of maintenance and [are] responsible to ensure the work performed complies with the customers [sic] regulatory and maintenance program requirements."

Jim Brady, United's Chief Inspector, supervises United's A/C Inspectors and stated that the work performed by A/C Inspectors is independent and incumbents in this position regularly travel to outside vendor sites where the maintenance is being performed. According to Brady, "[I]f the outside vendor is not complying with United's operational plan, the [A/C Inspector] has the authority to stop the work on the aircraft and recommend the removal of any aircraft inspector employed by the outside vendor." Brady stated that A/C Inspectors evaluate the outside vendor's aircraft inspectors and "[t]hese evaluations carry great weight within United." Brady also stated that A/C Inspectors have the "authority to recommend, to the outside vendor, the need for additional inspectors. If the outside vendor refuses to add more inspectors, . . . the [A/C Inspector] can stop work on the aircraft."

The position description states that A/C Inspectors have the following minimum qualifications: high school and post high school Aviation Maintenance Technical Training or equivalent; Associates Certificate or Military Aviation Training; Airframe & Powerplant (A&P) licenses; two years Inspection experience of large transportation aircraft; and experience supervising maintenance or inspection personnel.

The IBT submitted a declaration of an A/C Inspector who has been employed in that position by United since 2022. The A/C Inspector stated that United contracts out aircraft maintenance to Maintenance, Repair, and Overhaul facilities (MROs) worldwide. A/C Inspectors perform oversight and inspection of work performed by outside vendor inspectors and mechanics at the MROs, including performing oversight and inspection of all major repairs; wing-to-body panel installations; First Class and Economy seat installations; emergency equipment; fuel panel closing/installation; all parts racks confirming no parts have been left off the aircraft; and performing Vendor Inspector Evaluations.

The A/C Inspector Declarant stated that many of his duties are performed just as any other United Inspector already included in the Mechanics and Related Employees craft or class. He stated “just as other United Inspectors, I am required to sign for my own work and the work of others in the group, provided, however, that such signing does not relieve any other member of the group of license requirements and/or legal responsibility for the work they have performed . . . .” All United employees who hold an A&P license have the responsibility to inform United’s Chief Inspector if someone working on United aircraft is not in compliance with the FARs, United Policy and Procedures, or company and Manufacturers’ paperwork – this applies to both management employees and to employees included within the Mechanics and Related Employees craft or class. The A/C Inspector Declarant stated that A/C Inspectors “do not supervise maintenance work performed by United’s outside vendors. Rather they provide oversight of the work performed by the outside vendor. [A/C Inspectors] do not provide direction to outside vendor inspectors.” A/C Inspectors do not have the authority to hire, fire, or discipline other employees or recommend that outside vendor employees be hired, fired, disciplined, promoted or demoted. A/C Inspectors cannot assign work or transfer employees between assignments. A/C Inspectors do not participate in the Carrier’s budget process, create Carrier policy, or have the authority to commit Carrier funds.

According to the declaration provided by the IBT, A/C Inspectors have

never been permitted to unilaterally stop work at an MRO without prior approval from their direct leadership or United management. Similarly, according to the Declarant, removal of an outside vendor inspector requires an investigation and then the decision on the removal would be made by United's Chief Inspector. A/C Inspectors do not have the authority to direct an outside vendor to add or reduce the number of inspectors or mechanics it uses on maintenance.

## DISCUSSION

### Management Officials

Management Officials are ineligible to vote. These positions fall outside of the RLA's coverage. Manual Section 9.211 states that the term includes individuals who have:

- (1) the authority to dismiss and/or discipline employees or to effectively recommend the same;
- (2) the authority to supervise;
- (3) the ability to authorize and grant overtime;
- (4) the authority to transfer and/or establish assignments;
- (5) the authority to create carrier policy; and,
- (6) the authority to commit carrier funds.

The Investigator also considers:

- (1) whether the authority exercised is circumscribed by operating and policy manuals;
- (2) the placement of the individual in the organizational hierarchy of the carrier; and,
- (3) any other relevant factors regarding the individual's duties and responsibilities.

When evaluating managerial authority, the Board evaluates the above factors cumulatively. *See United Air Lines*, 32 NMB 75, 110 (2004); *USAir*, 24 NMB 38, 40 (1996) (citing *Pan American World Airways*, 5 NMB 112, 115 (1973)).

The evidence in this case does not support a finding that A/C Inspectors are management officials. A/C Inspectors have the obligation to inform the Chief Inspector if someone working on United aircraft is not in compliance with the FARs, United Policy and Procedures, and/or Manufacturers' directives. But this

obligation is not synonymous with the authority of a management official. This obligation attaches to any United employee with an A&P license – the vast majority of whom are not management officials and are, in fact, already included in the Mechanics and Related Employees craft or class.

According to the Declaration of the A/C Inspector provided by the IBT, A/C Inspectors do not supervise or direct the work of outside vendor employees. Rather, they oversee the work performed by the outside vendor, ensuring that the vendor is following federal, Carrier and manufacturer regulations, policy and guidance. While an A/C Inspector may be able to advise that work be stopped on an aircraft at an MRO, the Carrier did not refute the A/C Inspector's statement that stoppage of work would not happen without prior approval from United management. Similarly, while A/C Inspectors evaluate the work of outside vendors and may recommend that an outside vendor inspector be removed, they do not have the authority actually make that decision. And while the Carrier states that it gives great weight to the A/C Inspectors' recommendations, it did not provide any evidence of examples where A/C Inspectors had actually stopped work on an aircraft or removed an inspector employed by an outside vendor. The Carrier does not assert that A/C Inspectors have the authority to commit carrier funds, or create carrier policy.

The Carrier argues that A/C Inspectors "are United's eyes and ears while an aircraft is with an outside vendor" and states that the Carrier relies on A/C Inspectors "to exercise their discretion on a daily basis without direct oversight." United relies heavily on *Pan American World Airways*, 5 NMB 112 (2011) (*Pan Am*) to support its argument that A/C Inspectors are management officials. In *Pan Am* the NMB stated that it "must consider various individual elements and factors which might not be decisive if considered separately but considered cumulatively would remove a particular position from the status of an employee or subordinate official." *Id.* at 115. In particular, United cites *Pan Am* in its initial submission to the NMB to support its argument that the extent to which an employee is able to use "his voice in the inner council of management; the extent to which he participates in the formulation of general policy; and the extent of his authority to bind his principal in dealings with outside parties" *Id.*, are important elements for Board consideration.

In *Pan Am*, the Board did evaluate the level of authority Pan Am's foremen had to direct the manner of work done by subordinates and concluded that the foremen's authority did not rise to the level of a management official and that the foremen were subordinate officials or employees within the meaning of the RLA. Here, as in *Pan Am*, while A/C Inspectors may function as United's eyes and ears while on the vendor's property, the A/C Inspectors' exercise of



discretion in the stoppage of work, creation of policy, or commitment of carrier funds does not rise to the level of a management official.

The Board, in this case, finds that A/C Inspectors do not possess unqualified authority to hire, discharge and supervise employees, commit carrier funds or create carrier policy. Similar to the facts in *Pan Am*, the Board in this case finds that level of authority exercised by A/C Inspectors does not rise to the level of a management official under the RLA. The Board, therefore, finds that the A/C Inspectors are not management officials and are not excluded from the RLA's coverage.

### Craft and Class Determination

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *See, e.g., Southwest Airlines*, 42 NMB 110, 114 (2015); *Endeavor Air*, 41 NMB 281, 285 (2014). The factor of work-related community of interest is particularly important. *See, e.g., US Airways*, 31 NMB 324, 334 (2004). To evaluate this factor, the Board examines the actual duties and responsibilities of the employees, the environment in which the employees work, and the interaction among the employees involved. *See, e.g., American Airlines*, 10 NMB 26, 39 (1982). The purpose of the community of interest test is to ensure that a particular grouping of employees “possess[es] a sufficiently distinct community of interest and commonality of functional characteristics to ensure a mutuality of interest in the objective of collective bargaining.” *Continental Airlines/Continental Express*, 27 NMB 99, 109 (1999).

United argues that A/C Inspectors do not share a work-related community of interest with United's Mechanics and Related Employees craft or class because A/C Inspectors primarily interact with United's outside vendors and because A/C Inspectors do not actually perform any maintenance work. United quotes *American Airlines/US Airways*, 42 NMB 35, 56 (2015) (*American*), stating that unlike the Planning positions at American, United's A/C Inspectors do not “provide an essential support function to [United's] mechanics and related personnel engaged in the actual maintenance and servicing of aircraft and equipment.” Instead, the Carrier argues, the A/C Inspectors ensure that United's vendors comply with United's operational plans but do not interact with employees within United's Mechanic and Related Employees craft or class, nor are they involved in the maintenance work performed by United employees.

Thus, United argues that the Mechanics and Related Employees is an improper craft or class for A/C Inspectors.

United misstates the Board's findings in *American*. In *American*, the Board not only looked at the Planning classifications cited by United in its argument but also looked at several Quality Assurance classifications, with responsibilities similar to United's A/C Inspectors. The Board examined the responsibilities of Quality Assurance Consultant (QAC), Continuing Analysis and Surveillance System (CASS) Auditor, and Quality Assurance (QA) Auditor and concluded that the positions were within the Mechanics and Related Employees craft or class. The Board noted that the QAC position was accreted to the Mechanics and Related Employees craft or class fifteen years earlier in 2000. *American* at 54 (citing *US Airways*, 28 NMB 50 (2000)). Like the A/C Inspectors in the instant case, QACs were responsible for "performing audits, surveillance and investigations" to determine whether applicable regulations, policies, and procedures are being followed at [pre-merger] US Airways maintenance operations, maintenance facilities, and contract maintenance providers and vendors. The equivalent positions to QACs at pre-merger American were the CASS Auditor and the QA Auditor. The primary duty of the CASS Auditors and the QA Auditors was traveling throughout the American system to perform audits at various stations and vendors. The qualifications for these American and US Airways positions are similar to the qualifications required for United's A/C Inspectors, including an A&P certification; a technical degree; and several years of airline maintenance, engineering, or quality assurance experience.

The Board further noted in *American* that "Aircraft Inspectors have traditionally been included in the craft or class of Mechanics and Related Employees[,]" and cited a string of Board precedent going back to 1965. *American*, *above* at 55; see *US Airways* 28 NMB 50, 61 (citing *Ross Aviation*, 22 NMB 89 (1994); *United Airlines*, 22 NMB 12 (1994); *United Air Lines*, 5 NMB 65 (1965); *Eastern Air Lines, et al.*, 4 NMB 54 (1965)). Simply, there is no foundation in Board precedent that carrier employees who work with vendors do not share a work-related community of interest with other carrier employees. The *American* case cited by United stands for the proposition that inspectors who provide oversight of maintenance work performed by vendors at off-site maintenance facilities share a work-related community of interest with other members of the Mechanics and Related Employees craft or class. They do not lose the work-related community of interest simply because the work is not performed in a United facility or because they interact with non-United employees. Irrespective of the location of the A/C Inspectors' work and vendor interactions, United's A/C Inspectors are United employees performing maintenance inspection duties, as

part of a team within United's maintenance function, ensuring compliance with United maintenance policies and procedures on work performed on United aircraft. Accordingly, the Board finds that A/C Inspectors at United are part of the Mechanics and Related Employees craft or class.

### Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood of Ry. & S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). In *Ross Aviation*, 22 NMB 89 (1994), the Board dismissed an organization's application because a Board certification already covered the employees it was seeking to represent, and, therefore, an election was unnecessary. The Board consistently follows this policy where it finds that an application covers employees who are members of a certified craft or class because these employees perform job functions traditionally performed by employees in that craft or class. See, e.g., *ExpressJet Airlines*, 44 NMB 180, 186 (2017).

While accretion determinations are based upon a work-related community of interest, the Board still requires all applications in representation matters to be supported by an adequate showing of interest. In this case, the IBT supported its application with the requisite 50 percent showing of interest and accretion is appropriate. See, e.g., *Southwest Airlines*, 42 NMB 110, 117 (2015).

### CONCLUSION

The Board finds that United's A/C Inspectors are part of the Mechanics and Related Employees craft or class. As there is no further basis for investigation, NMB File No. CR-7255 is converted to NMB Case No. R-7652 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling  
General Counsel

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**Chairman Sweatt, dissenting,**

I write separately because the right to a secret ballot election is vital to the core principles of our democracy. While I have stated this previously, and stand with Board Members before me who have articulated this fact, I continue to think the Board's accretion policy should be reconsidered. *See, e.g., Southwest Airlines*, 42 NMB 110, 117-118 (2015); *Frontier Airlines*, 41 NMB 202, 221-227 (2014); *Southwest Airlines*, 38 NMB 87, 105-106 (2011); *Frontier Airlines*, 31 NMB 247, 255-256 (2004).

A secret ballot election is the only reliable method for determining employee preference regarding representation. The mere collection of authorization cards has proven unreliable in determining employees' true intention related to representation by the incumbent organization. As the Seventh Circuit has stated, "[w]orkers sometimes sign union authorization cards not because they intend to vote for the union in the election but to avoid offending the person who asks them to sign, often a fellow worker, or simply to get the person off their back . . . ." *NLRB v. Village IX, Inc.*, 723 F.2d 1360, 1371 (7th Cir. 1983).

The Majority continues to overlook the flaws of using authorization cards to determine voter choice. Myriad examples exist of organizations failing to win the election after exceeding the statutorily required fifty percent showing of interest. The only way to know an employee's true preference is through a secret ballot election, which is something the Board is capable of executing.

As noted by prior Board Members, I acknowledge that a secret ballot election may result in fragmentation of a craft or class in some instances, and that the NMB has a general policy of not fragmenting a craft or class where possible. *See, e.g., American Airlines*, 21 NMB 60 (1993); *Eastern Air Lines*, 12 NMB 29 (1984); *Galveston Wharves*, 4 NMB 200 (1962). However, the Board has a competing statutory duty to protect the freedom of association rights of employees, and denying employees the right to a secret ballot election leads to harsher results than the potential fragmentation of the craft or class.

Accordingly, I respectfully dissent from an accretion policy that denies employees their right to a secret ballot election to determine workplace representation.